MC 696/2007

BEFORE

HON'BLE MR JUSTICE P.G.AGARWAL

HON'BLE JUSTICE MRS. A. HAZARIKA

Heard Mr. A.M.Mazumdar, learned Senior Advocate assisted by Miss D.Borgohain appearing for the petitioner and Mr.L.P.Sarma, learned counsel for the Respondent University.

By this application, the petitioner has prayed for a direction to the Respondent Nos. 1 and 2 to permit the petitioner to sit in the ensuing final year LL.B. Examination, which is going to commence on 9th March, 2007.

We find that earlier a similar prayer was made on 15.02.07 wherein the appellant/petitioner was directed to approach the Vice Chancellor of the Gauhati University. It is informed that the Vice Chancellor has rejected the prayer of the petitioner and hence the present application.

The case of the petitioner is that he passed the intermediate examination in third attempt in the year 2003 and thereafter he appeared in the final examination on two occasion. In the first attempt, he failed and in the second attempt he also failed to clear three papers. According to the petitioner, this is the third opportunity.

The appeal has been admitted and as such the qeustion will be considered when the matter is heard finally. It is, however, submitted that in the meantime the LL.B. Final Examination is going to commence on 09.03.2007 and the appellant may be allowed to sit in the said examination.

Learned counsel appearing for the Respondent University, on the other hand, submits that 5/6 year period for completion of the LL.B. Course is already over and as such the appellant is not eligible to sit in the examiantion and his case is also not covered by the special scheme.

Be that as it may, in the interim we provide that the petitioner Chow Pinkkham Munglang be allowed to appear/sit in the examination for final year LL.B. of the Gauhati University scheduled to be held on 09.03.2007. We further provide that the result of such examination shall not be declared, which shall be subject to the decision in this writ appeal.

Misc Case stands disposed of.